
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

In re DAVID N. FISHER,

Debtor.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:15-cv-858-JNP

District Judge Jill N. Parrish

DAVID C. WEST, Chapter 7 Bankruptcy
Trustee,

Plaintiff,

v.

HIGH DESERT, LLC., DEL K. BARTEL,
and DALE THURGOOD,

Defendants.

DEL K. BARTEL and DALE
THURGOOD,

Counterclaimants,

v.

DAVID C. WEST, GARY JUBBER,
SHELDON SMITH, and JOHN DOES 1–5,

Counterclaim Defendants.

On December 4, 2015, United States Bankruptcy Judge William T. Thurman filed a Report and Recommendation on Counterclaim Defendants' Motion to Dismiss Counterclaim (Dkt. 1). Judge Thurman recommended that the court dismiss the counterclaims in this case based on his conclusion that, under the *Barton* doctrine, the court does not have subject matter jurisdiction over Counterclaimants Del K. Bartel's and Dale Thurgood's counterclaims. The

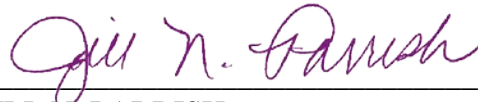
court has not received any objections to Judge Thurman's report and recommendation.

Based on the court's *de novo* review of the record, the relevant legal authorities, and Judge Thurman's Report and Recommendation, the court concludes that the Report and Recommendation is a correct application of the law and the facts. Accordingly, the court ORDERS as follows:

1. The Report and Recommendation (Dkt. 1) is ADOPTED IN FULL.
2. The case is DISMISSED.
3. The Clerk of Court is directed to close the case.

SO ORDERED this 4th day of February, 2016.

BY THE COURT:



JILL N. PARRISH
United States District Judge